

Serial No. 10/538,156
Resp. dated May 21, 2009
Reply to Final Office Action of February 27, 2009

PATENT
PU020493
Customer No. 24498

Remarks/Arguments

Upon entry of the accompanying amendments, claims 1-18 will be pending in this application. Claims 1-14 are rejected in the final Office Action of February 27, 2009. Claims 1 and 8 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention. Claims 15-18 are newly added herein. No new matter is believed to be introduced by the amendments presented herein.

Re: Claims 1-3 and 8-10

Claims 1-3 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0078029 by Pachet (hereinafter, "Pachet") in view of U.S. Patent Publication No. 2005/0201254 by Looney et al. (hereinafter, "Looney"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants note that one of the problems addressed and solved by the present invention relates to how playlist entries corresponding to either a single song or a plurality of songs are visually represented to a user. The solution to this problem is defined by amended independent claim 1, for example, as follows:

"A method for displaying information using a digital audio player, comprising the steps of:

reading a playlist selected by a user;

enabling a display of one or more entries included in said playlist on a display device associated with said digital audio player, each of said one or more entries corresponding to one of a single song and a plurality of songs and having a common type of visual indicator that indicates whether said entry is in one of a first category, a second category and a third category ..." (emphasis added)

As indicated above, amended independent claim 1 defines a solution that includes displaying one or more entries included in a playlist. Each of the entries corresponds to either a single song or a plurality of songs and has a common type of

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visual indicator that indicates whether the entry is in a first category (picked), a second category (not picked) or a third category (partially picked). Independent claim 8 is also amended herein to define this solution in a similar manner. An example of the claimed "common type of visual indicator" is shown in FIGS. 5B-5D of Applicants' specification, for example, as a "+" sign (although other types of visual indicators could also be used). Accordingly, no new matter is introduced by this amendment. As indicated in FIGS. 5B-5D, the "+" sign (i.e., an exemplary "common type of visual indicator") is advantageously used to effectively communicate to users which of the three aforementioned categories a given entry is in.

Neither Pachet nor Looney, whether taken individually or in combination, discloses or suggests each and every element of the solution defined by amended independent claims 1 and 8. On pages 3-4 of the final Office Action dated February 27, 2009, the Examiner cites FIG. 7 of Pachet for allegedly disclosing "a visual indicator" that indicates which state (i.e., selected or not selected) a user selectable parameter associated with an entry is in. In particular, the Examiner alleges that a given entry is in one state (i.e., selected) if the entry is shaded or darkened, and in another state (i.e., not selected) if the entry is unshaded or not darkened. As such, Pachet clearly teaches a display technique which uses different types of visual indicators (i.e., shaded/darkened versus unshaded/not darkened) to indicate which state a given entry is in. In contrast to Pachet, and as indicated above, the claimed solution defined by independent claims 1 and 8 specifies that "a common type of visual indicator" is used to indicate which category a given entry is in. Accordingly, Pachet fails to disclose or suggest each and every element of the solution defined by amended independent claims 1 and 8.

Looney fails to remedy the aforementioned deficiencies of Pachet. In particular, Looney discloses in FIG. 23 (cited by Examiner) a display technique which uses a colored flag 798 (i.e., visual indicator) to indicate that a song/entry is flagged or selected (see also paragraph [0126]). However, Looney also discloses that this colored flag is removed if the song/entry is unflagged or not selected. As such, Looney (like Packet)

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clearly teaches a display technique which uses different types of visual indicators (i.e., flagged versus unflagged) to indicate which state a given entry is in. In contrast to Looney (and Pachet), and as indicated above, the claimed solution defined by independent claims 1 and 8 specifies that "a common type of visual indicator" is used to indicate which category a given entry is in.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-3 and 8-10 are patentable over the proposed combination of Pachet and Looney, and withdrawal of the rejection is respectfully requested.

Re: Claims 4 and 11

Claims 4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent No. 5,086,345 issued to Nakane et al. (hereinafter, "Nakane"). Applicants respectfully traverse this rejection since Nakane is unable to remedy the deficiencies of the Pachet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 4 and 11 ultimately depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 5-6 and 12-13

Claim 5-6 and 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent Publication No. 2006/0212442 by Conrad (hereinafter, "Conrad"). Applicants respectfully traverse this rejection since Conrad is unable to remedy the deficiencies of the Pachet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 5-6 and 12-13 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 7 and 14

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pachet in view of Looney, and further in view of U.S. Patent Publication No.

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2002/0103796 by Hartley (hereinafter, "Hartley"). Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of the Patchet/Looney combination pointed out above in conjunction with independent claims 1 and 8, from which claims 7 and 14 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 15-18

Claims 15-18 are newly added herein to further define the present invention, and are deemed allowable for at least the same reasons discussed above in conjunction with independent claims 1 and 8.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. Please charge the fee for the RCE to Deposit Account 07-0832.

Respectfully submitted,

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May 21, 2009